



ST HELENS
BOROUGH COUNCIL

Cabinet

10 November 2021

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| Report Title: | St Helens Borough Local Plan – Main Modifications |
| Cabinet Portfolio | Regeneration and Planning |
| Cabinet Member | Councillor Richard McCauley |
| Exempt Report | No |
| Reason for Exemption | N/A |
| Key Decision | Yes |
| Public Notice issued | Yes 12 October 2021 |
| Wards Affected | All |
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| Borough priorities | Ensure children and young people have a positive start in life | X |
| | Promote good health, independence, and care across our communities | X |
| | Create safe and strong communities and neighbourhoods for all | X |
| | Support a strong, thriving, inclusive and well-connected local economy | X |
| | Create green and vibrant places that reflect our heritage and culture | X |
| | Be a responsible Council | X |

1. Summary

- 1.1 The St Helens Borough Local Plan is currently at Examination stage. Some changes to the Local Plan Submission Draft, known as 'Main Modifications', have been identified by the Planning Inspectors through the Examination process as being required to make the Local Plan 'sound', in accordance with the National Planning Policy Framework. In line with the relevant legislation, it is proposed that the identified Main Modifications be subject to a period of public consultation. This forms the next stage of the Local Plan Examination process.

2. Recommendations for Decision

Cabinet is recommended to:

- i) Approve the proposed Main Modifications to the Local Plan Submission Draft, attached as Appendix A;**
- ii) Approve a period of public consultation on the proposed Main Modifications to the Local Plan Submission Draft; and**
- iii) Delegate authority to the Executive Director Place in consultation with the Portfolio Holder for Regeneration and Planning to:**
 - a. make any further modest refinements to the proposed Main Modifications in Appendix A should the Inspectors identify a requirement for such prior to public consultation commencing; and**
 - b. to provide any necessary comments on the public consultation responses received, where this would be of benefit to the Inspectors.**

3. Purpose of this Report

- 3.1 This report seeks approval to undertake a period of public consultation on the proposed Main Modifications that are required to be made to the Local Plan Submission Draft.

4. Background /Reasons for the recommendations

- 4.1 The St Helens Borough Local Plan Submission Draft (2019) was submitted to the Planning Inspectorate for Examination in October 2020, signaling the beginning of the Local Plan Examination process. Inspectors Mark Dakeyne and Victoria Lucas were appointed to undertake the Examination of the Plan.
- 4.2 The purpose of the Local Plan Examination is to assess whether the Local Plan has been prepared in accordance with the legal and procedural requirements, and whether it is sound. In accordance with the National Planning Policy Framework (NPPF), the Local Plan is 'sound' if it is:
- Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.
- 4.3 The Inspectors have been presented with much written evidence throughout the Examination process (all of which is available on the Council's Local Plan Examination dedicated webpage) as well as verbal evidence through the public hearing sessions held in May and June 2021.
- 4.4 Based on the information before them (both written and verbal), the Inspectors have considered whether changes, known as "Main Modifications," need to be made to the Local Plan Submission Draft (2019). In doing so, the Inspectors have concluded that some Main Modifications to the Plan are required for it to be found 'sound'.
- 4.5 In response to this, a Local Plan Main Modifications Schedule has been prepared, which is provided at Appendix A and lists the proposed main modifications. The Local Plan Main Modifications Schedule should be considered alongside the Local Plan Submission Draft (2019).
- 4.6 Whilst the Local Plan Main Modifications Schedule at Appendix A must be carefully considered to understand the full scale and content of the modifications, they can generally be summarised in different themes as follows:
- Passage of time
 - Extension of plan period by two years to 2037 to meet the requirement of the NPPF to have a 15-year time horizon at the point of adoption
 - Incorporate references to the Council's Climate Change Emergency Declaration into the Local Plan
 - Include references to the English Cities Fund (ECF) Partnership
 - Include references to the Town Deal Investment Plan
 - Changes to reflect updates to, and alignment with, the NPPF
 - Updating the status of sites in the Plan to account for site delivery since 2019 and changed site circumstances as appropriate, together with associated housing and employment supply figures

- Legislation / National Policy
 - Removal of Policy LPA01 – Presumption in Favour of Sustainable Development as it duplicates the NPPF
 - Modifications to achieve a general consistency with the NPPF
 - Modifications to reflect updates to legislation, for example, changes to the Use Classes Order and Permitted Development Rights
- Strengthening policies
 - Inclusion of additional policies to strengthen the proposed site allocations
 - Additional wording to demonstrate Green Belt release exceptional circumstances
 - Expansion of the Greenway network
- Other matters
 - Updates to the Policies Map to correct boundary errors and to reflect the updated status and changed circumstances of sites as appropriate
 - Changes to requirements for site allocations to ensure appropriate mitigation is delivered
 - Updates to the Monitoring Framework

4.7 There are also several proposed Main Modifications that are worth specifically highlighting, as follows:

- Boundary change to site 4HS (Land east of Newlands Grange, Newton-le-Willows) to extend it in a south-westerly direction up to the northern boundary of the recreation ground - mitigation to address any potential harms to the Conservation Area can be achieved, and the change is required to ensure a positively prepared and justified area of safeguarded land;
- Policy LPC01 – removal of the requirement that at least 5% of new homes on greenfield sites be bungalows, as it is not justified. Instead, policy is amended to encourage the provision of bungalows; and
- Inclusion of standalone, bespoke policies for the Parkside West and Bold Forest Garden Suburb site allocations.

4.8 Whilst not a Main Modification itself, the Inspectors also considered that some changes were needed to the Council's planned housing supply over the Plan period through the removal of some smaller sites in the supply where there were concerns over site developability. The timescales for anticipated delivery of sites were also adjusted in some cases. These changes ensure that a five-year housing supply can be demonstrated on adoption of the Local Plan, and that there remains a sufficient supply of housing over the Plan period. Whilst not part of the Local Plan itself, an updated detailed site trajectory has been prepared, and forms part of the 'Examination Library'. This is available as a background paper to this report.

4.9 In accordance with the recommendations of this report, delegated powers are sought to enable any minor changes to the proposed Main Modifications at Appendix A that may be required by the Planning Inspectors prior to consultation commencing and which are not significant in nature.

4.10 The proposed Main Modifications have all been subject to a Sustainability Appraisal to understand the social, environmental, and economic impacts of the changes proposed and a Habitats Regulation Assessment. These assessments are provided at Appendices B and C.

4.11 In addition to the Main Modifications proposed in Appendix A, further modifications will be made to the Plan to correct identified typographical and factual errors in the Local Plan Submission Draft. The additional modifications will also pick up any consequential changes

because of the Main Modifications proposed; for example, policy renumbering (and updating associated policy references throughout the Plan), updating page number references and the numbering of tables and figures. Given the very detailed nature of these changes, and that they will not alter the substance of the Plan, consultation on such is not required.

- 4.12 Subject to Cabinet's agreement of the recommendations in this report, public consultation will be launched on the proposed Main Modifications Schedule. In accordance with legislation, this will run for a minimum six-week period, following which, all consultation responses received will be collated and passed on to the Planning Inspectors for their consideration.
- 4.13 The Council has the opportunity to provide any comments on the consultation responses received when arranging to send them on to the Inspectors. Whilst any comments at this stage will be kept to a minimum, should there be a need to provide clarity at this point, delegated powers are sought to allow this task to be carried out in a timely manner to enable the Plan to progress towards adoption.
- 4.14 Following consideration of the consultation responses received at the Main Modifications consultation stage, the Inspectors are then expected to issue their final report into the Examination. This will officially close the Local Plan Examination. The Local Plan will then need to be updated to reflect the necessary modifications and will come back to Council for adoption.

5. Community Impact Assessment

The Community Impact Assessment identified the following key implications:

- 5.1 Several of the proposed Main Modifications strengthen the Plan, for example the inclusion of references to the Council's Climate Emergency Declaration and strengthening several existing policies.
- 5.2 The most notable adverse impact was the removal of the requirement to deliver bungalows. However, this was offset to some degree by the inclusion of reference to bungalows as a type of housing that the Council will work with partners to facilitate the delivery of.

6. Consideration of Alternatives

- 6.1 To not draft the Main Modifications as requested by the Inspectors. This is not recommended as the modifications have been identified as required to address issues of soundness identified by the Inspectors during the Examination process to date. If the Council does not address these issues through making Main Modifications to the Plan, the Inspectors will ultimately be unable to conclude that the Plan is sound, subject to the necessary modifications. This means the Council will not be able to adopt an up to date and sound Plan.

7. Conclusions

- 7.1 Approval of the Main Modifications Schedule for public consultation is recommended as the appointed Planning Inspectors consider such to be necessary to ensure the Plan can be found "sound". This will ensure the timely progression of the Local Plan through the final stages of the Examination process pursuant to adoption.

8. Implications

8.1 Legal Implications

8.1.1 The relevant Legal Officer has confirmed that Cabinet is the appropriate decision-making body to agree the proposed Main Modifications Schedule and authorise public consultation on them.

8.1.2 Delegated powers are secured to enable comments to be made on consultation responses received at the Main Modifications consultation stage, only where it is necessary to do so to inform the Inspectors' further consideration of matters.

8.2 Community Impact Assessment (CIA) Implications

8.2.1 The Community Impact Assessment found that the proposed Main Modifications do not make a significant difference to the implications of the Local Plan as originally drafted. Most of the implications are positive in nature through the strengthening of policies. The biggest negative implication is the removal of the requirement to provide bungalows, but as the policy retains reference to encouraging the delivery of bungalows on development sites, this is not considered significant in terms of overall impact.

8.2.1 Social Value

8.2.1.1 The Local Plan would have a positive impact on Social Value. This includes job creation, through the allocation of employment sites, alongside opportunities to deliver training schemes, amongst many other benefits. The Main Modifications identified are required to make the St Helens Borough Local Plan sound. Without these, the Council would not be able to take the Local Plan forward to adoption, and therefore maximise the Social Value outcomes.

8.2.2 Sustainability and Environment

8.2.2.1 The Local Plan includes several policies relating to the environment and wider sustainability issues. Again, without making the required Main Modifications to the Local Plan to ensure its soundness, the Council would not be able to take the Local Plan forward to adoption, and maximise the opportunities presented by the environmental policies within it, aligned with the need to deliver the identified necessary growth.

8.2.2.2 The references to the Council's Climate Change Emergency Declaration proposed through the Main Modifications directly link to the Council's emerging Climate Change Strategy.

8.2.3 Health and Wellbeing

8.2.3.1 The Local Plan includes a significant number of policies that will have an impact on health and wellbeing for those that live, work, and visit the Borough. As above, without making the required Main Modifications to the Local Plan to ensure its soundness, the Council would not be able to take the Local Plan forward to adoption and maximise the opportunities in relation to health and wellbeing within it.

8.2.4 Equality and Human Rights

8.2.4.1 The proposed Main Modifications are not considered to make any further impacts in relation to equality and human rights beyond the Local Plan Submission Draft itself. They generally address detailed matters within the Local Plan.

8.3 Customers and Resident

8.3.1 Without making the necessary proposed Main Modifications to the Local Plan to ensure its “soundness”, as required by national policy, the Council will not be able to adopt the Local Plan. This will be disadvantageous to our customers and residents in terms of the Council not being able to deliver what is set out within the Local Plan, including, but not limited to, the delivery of new homes, jobs, environmental improvements, and infrastructure.

8.4 Asset and Property

8.4.1 The proposed Main Modifications include a boundary change to the housing allocation by the former Red Bank facility, Newton-le-Willows (site 7HA in the Local Plan). This is required to acknowledge the impact on the available site areas and likely site capacity due to the planning permission to deliver the new Penkford School on part of the site.

8.5 Staffing and Human Resource

8.5.1 There are no staffing or human resource implications. The public consultation on the proposed Main Modifications consultation and subsequent associated work will be undertaken within existing resources in the Development Plans Team.

8.6 Risks

8.6.1 There are no significant risks identified with this proposal. The main modifications have been identified by the Local Plan Examination Inspectors as required to address issues of “soundness” identified through the Local Plan Examination process. Therefore, there is a greater risk to the Local Plan process by not agreeing the Main Modifications to make the Plan “sound”, as such an approach will ultimately mean the Plan cannot be adopted.

8.7 Finance

8.7.1 There are no financial implications from the specific main modifications identified. The main modifications schedule, subject to Cabinet approval, will be publicly consulted on. This is a normal part of the Examination process and has been budgeted for.

8.8 Policy Framework Implications

8.8.1 When considered as a whole, the St Helens Borough Local Plan aligns with the corporate aims of this Council and its policies. For example, helping to deliver homes and jobs, and supporting regeneration. The proposed Main Modifications are required to ensure the Local Plan is sound, and they do not detract from the overall aims of the Local Plan. Without making the necessary modifications as identified by the Planning Inspectors, the Council will be unable to take the Local Plan forward to adoption.

9. **Background papers**

9.1 St Helens Borough Local Plan – Main Modifications - Community Impact Assessment (October 2021)

9.2 St Helens Borough Local Plan Submission Draft (January 2019)

9.3 St Helens Housing Land Supply position statement as at 31.03.2021 (August 2021)
(Examination Library document reference SHBC031)

10. **Appendices**

- 10.1 Appendix A – St Helens Borough Local Plan – Main Modifications Schedule (October 2021)
- 10.2 Appendix B – Sustainability Appraisal (SA) St Helens Borough Local Plan – Main Modifications (October 2021)
- 10.3 Appendix C – Habitats Regulation Assessment (HRA) St Helens Borough Local Plan – Main Modifications (October 2021)